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Sept. 26, 1947

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AMEMBASSY

ROME

1857

FOR DUNN AND SETSER

DEPT position on portion Italian treaty views outlined URTEL 2863 Sept 20 (delayed in transmission) follows:

Article I, para 4 (a). Since notarial function may be considered purely public, it is not within meaning of commercial and professional activity as used in treaty. You are authorized to record understanding to this effect in minutes. Please seek further definition term "stock brokers" and extent to which they are public officers in Italy.

Article I, para 4. Authorized to substitute "laws and regulations" for "statutes" in second line, and "adopt and enforce laws and regulations" for "enact statutes" in fourth line, if this will satisfy Italians. Otherwise, you are authorized to record in minutes mutual understanding that aliens may be subject to appropriate surveillance not incompatible

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incompatible with terms of Treaty (such as liberty of movement, right of engaging in particular activities, freedom from arbitrary molestation, and so on); and may be subject to expulsion for commission of crime, subversive activity, violation of conditions of entry, and other due cause. Inadvisable, however, to elaborate on immigration proviso in protocol.

EMBTEL reads
Article II ~~remaining~~ QUOTE provided US will agree not contain UNQUOTE/Comment unclear as to content and pertinence.

Article V, para 2. Authorized to record in minutes that QUOTE prompt UNQUOTE does not necessarily mean instantaneous; but that it does require government diligently to prosecute such orderly and nondilatory procedures as may be established reasonably to assure correct compensation and safeguard all interests concerned. You may illustrate in terms of Italian and American condemnation procedures.

Article VII, para 1. Following proposal made to Philippines may be discussed with Italians as possible substitute:

QUOTE The nationals, corporations and associations of either High Contracting Party shall be permitted to acquire

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acquire, own and dispose of real and other immovable property or interests therein within the territories of the other High Contracting Party upon the following terms:

QUOTE (a) In the case of nationals, corporations and associations of the Italian Republic, the right to acquire, own and dispose of such property and interests shall be dependent upon the laws and regulations which are or may hereafter be in force within the state, territory or possession of the United States of America wherein such property or interests are situated; and

QUOTE (b) In the case of nationals, corporations and associations of the United States of America, treatment with respect to the acquisition, ownership and disposition of such property and interests shall be no less favorable than that accorded to nationals, corporations and associations of the Italian Republic, except that the Italian Republic shall not be obligated to accord to any national, corporation or association of the United States of America treatment more favorable than that now or hereafter accorded by the state, territory or possession of the United States of

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of America in which such national is domiciled or under the laws of which such corporation or association is created or organized, to nationals, corporations and associations of the Italian Republic. UNQUOTE

Article VII, para 2. Not clear just what rule Italians desire re time governing applicable exchange rate. Perhaps issue will clarify during discussion exchange control provisions.

Dept replies re other points raised in EMBTELS ~~2862~~ 2863 and 2885 now in preparation.

LOVETT
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CP:HWalker:met
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